

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1975 of 2018

Arising Out of PS. Case No.-470 Year-2018 Thana- KATIHAR District- Katihar

Chandan Kumar Chaudhary, S/o Ayodhya Prasad Chaudhary, R/o Chandan Nagar, P.S.- Barari, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise Deptt., Patna.
2. The District Magistrate, Katihar.
3. The Superintendent of Police, Katihar.
4. The S.H.O. Katihar Town Police Station.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Respondent/s : Mr. Anil Kumar Sinha (Ga-1)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-09-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Learned counsel for the petitioner is permitted to make necessary correction in paragraph 4 of the application.

The petitioner is seeking provisional release of the vehicle (Mahindra Jeep) bearing Registration No. BR11GA-7489 which has been seized in connection with Katihar Town P. S. Case No. 470 of 2018 registered for the offence under Section 30 (a) of the Bihar Prohibition & Excise Act for recovery of 525 liter Chhua Gud and 40 kg. Naushadar Powder from the vehicle in question.

Learned counsel for the petitioner submits that there is



recovery of Chhua Gud only on suspicion, the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court for provisional release of the vehicle in question.

Learned counsel for the petitioner submits that no notice has been received by him regarding confiscation proceeding for the vehicle in question.

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the recovery of Chhua-Gud, this Court would direct release of the vehicle in question on petitioner furnishing two sureties for the value of the vehicle in question as indicated in the insurance document to the satisfaction of the court below. Apart from the above, the petitioner shall be obliged to submit an undertaking before the learned court below that during the pendency of the confiscation proceeding he would not deal with the vehicle in question and shall not create any kind of encumbrance whatsoever and no third party right or interest shall be created. He would also undertake to produce the vehicle in question as and when required by the authority concerned.

Let the vehicle be released within a week after submission of the two sureties as indicated above.



This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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